

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

In the Matter of

1998 Biennial Regulatory Review --
Streamlining of Cable Television
Services Part 76 Public File and
Notice Requirements

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CS Docket No. 98-132

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

COMMENTS OF TELE-COMMUNICATIONS, INC.

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September 10, 1998

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COMMENTS OF TELE-COMMUNICATIONS, INC.

Tele-Communications, Inc. ("TCI") hereby files its Comments in the above-captioned proceeding.¹ TCI strongly supports the recommendations made by the Cable Telecommunications Association ("CATA") to reorganize the Part 76 public file, notice, recordkeeping, and reporting requirements ("Part 76 Requirements") by removing these rules from their current sections and placing them in three new, separate subparts under Part 76.

TCI agrees with CATA that such a reorganization will benefit both cable operators and the public at large.² The relocation of all relevant Part 76 Requirements -- which are currently scattered throughout Part 76 -- into unique, consolidated subparts dedicated

¹ 1998 Biennial Regulatory Review: Streamlining of Cable Television Services Part 76 Public File and Notice Requirements, Notice of Proposed Rulemaking, CS Docket No. 98-132, FCC 98-159 (rel. July 20, 1998) ("Notice").

² Id. at Appendix B.

exclusively to public file, notice, and recordkeeping rules, will enable cable operators to more easily identify -- and thereby comply with -- FCC requirements, which ultimately will benefit consumers. The proposed restructuring also will ensure that interested parties are better able to monitor cable operator compliance with FCC requirements.

TCI recognizes that, for various practical reasons, every Part 76 Requirement cannot be moved from its current location and placed in a new subpart. For example, certain notice requirements -- such as the notice requirements for cable inside wiring³ -- are so intertwined with existing rules that it would make little sense, and likely create more confusion, to separate them from the underlying rules. TCI agrees with CATA that such requirements should remain where they are located currently, but should nonetheless be referenced in "catch-all" sections of the new subparts.⁴

Moreover, additional federal notice, filing, and recordkeeping requirements that do not appear in Part 76 -- such as the semi-annual copyright filing requirement found in 17 U.S.C. § 111 -- and requirements which appear in the Communications Act but not in the Commission's rules -- such as the cable subscriber privacy notice requirements set forth in 47 U.S.C. § 551(a)(1) -- should also be referenced in these new

³ See, e.g., 47 C.F.R. § 76.802(b).

⁴ See Notice at Appendix B.

subparts, perhaps in a separate section entitled "Non-Part 76 Requirements." In this way, every public file, notice, and recordkeeping requirement applicable to cable operators will be identified and referenced in these new, centrally located subparts.

TCI also fully supports the proposal in the Notice to grant cable operators the option of providing information in response to a specific request, rather than having them maintain a public file containing such information.⁵ This rule change would significantly reduce the costs and administrative burdens associated with cable operator compliance with FCC public information requirements, since in many instances the information that an operator is obliged to maintain in its public file is rarely, if ever, sought.⁶ At the same time, the underlying goals of these requirements will be preserved, and the public will not be harmed, because cable operators will still be required to make this information available upon request.

⁵ See id. at ¶ 5.

⁶ See, e.g., CATA Suggested Further NPRM at ¶¶ 19-21 (lists required to be maintained by cable operators of original cablecast sponsors and of individuals placing "wants ads" and classified advertisements are seldom, if ever, reviewed by the general public); id. at ¶ 14 (requirement that cable operators maintain records verifying compliance with the commercial limits on children's programming is burdensome on operators and cable networks, and these materials are rarely, if ever, used).

CONCLUSION

TCI fully supports the recommendations made by CATA to reorganize the Part 76 public file, notice, recordkeeping, and reporting requirements by removing these requirements from their current sections and placing them in three new, separate subparts under Part 76. TCI also urges the Commission to adopt its proposal to grant cable operators the option of providing information in response to a specific request, rather than having them maintain a public file containing such information.

Respectfully submitted,



TELE-COMMUNICATIONS, INC.

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